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DISARMAMENT FACT SHEETS

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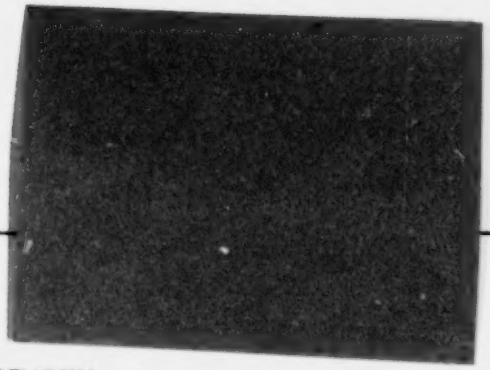

Fact Sheet No. 8 DPI/660

HUMANITARIAN RESTRICTIONS ON WEAPONS

Attempts to stop the use of certain weapons considered too cruel in their effects began long before the modern era, and have continued in the name of the laws of humanity. Humanitarian restrictions also serve the cause of disarmament. A United Nations conference has begun to draft rules to prohibit or restrict the use of certain weapons.

Types of Weapons: Today's arsenals include a number of conventional weapons whose effects may be particularly cruel or indiscriminate, often striking not only combatants but civilians. Among such weapons are land-mines and booby-traps, napalm and other incendiaries, new types of small-calibre arms and projectiles capable of causing extensive wounds, and blast and fragmentation devices which inflict injury by fragments not detectable by X-ray. In the case of mines and booby-traps, there is also a danger of explosion long after a conflict if they are not located and destroyed.

Early Efforts to Curb Specific Weapons: The St. Petersburg Declaration of 1868 stated that the general aim of fighting was to put enemy soldiers out of action and that injuries should not needlessly aggravate the sufferings of disabled soldiers and make death inevitable. Introduction of the "dumdum" bullet a few years later aroused public opinion. As a result The Hague Conference of 1899 formulated a rule prohibiting the use of bullets that expand or flatten in the body.

Further rules restricting or prohibiting use of certain weapons (poison or poisoned weapons, asphyxiating gases, discharge of projectiles and explosives from balloons, underwater contact mines) were elaborated at The Hague Conferences of 1899 and 1907. The 1925 Geneva Protocol renewed the ban on use of poison gases as well as prohibiting the use of analogous materials and bacteriological methods of warfare.

Discussions in the 1970s: The current UN effort to develop agreements on certain conventional weapons originated in 1971, against the backdrop of the war in Indo-China. The General Assembly, considering the question of respect for human rights in armed conflicts, referred to the need for developing "legal restraints and restrictions on certain methods of warfare and weapons that have proved particularly perilous to civilians".

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The UN Conference: Representatives of 81 countries took part in the first session of the UN Conference, held in Geneva in September 1979. The three-week meeting focused on the drafting of two protocols: one concerning land-mines and booby-traps and the other on incendiary weapons. Although no final agreements were reached, some progress was made (particularly on mines and booby-traps). The Conference also began formulating a general ("umbrella") treaty to serve as the framework for protocols concerning specific weapons.

Following is a summary of the status of the Conference's work:

Land mines and booby-traps: The draft protocol prepared by a Conference working group would prohibit the use of such weapons directed against civilians, as well as "indiscriminate use" against a military objective which might cause incidental killing or injury of civilians "which would be excessive in relation to the concrete and direct military advantage anticipated". Restrictions would be imposed on use of such devices in populated areas.

"Remotely delivered" mines (delivered by aircraft, artillery, rocket, mortar, etc.) would be prohibited even for use against military objectives, unless their location can be accurately recorded or they are fitted with self-actuated or remotely controlled neutralizing mechanisms to render them harmless later.

After the cessation of active hostilities, the parties would seek agreement on provision of information and assistance needed to remove mines and booby-traps or render them ineffective.

The Working group agreed on some rules for keeping records of minefields, mines and booby-traps, and on certain obligations to provide such information after the cessation of active hostilities. No agreement was reached on a proposed requirement for a party to a conflict to make public information about location of minefields in parts of its own territory occupied or controlled by an adverse party.

The draft protocol also would prohibit the use in any circumstances of certain booby-traps -- including any booby-trap in the form of an apparently harmless portable object specifically designed and constructed to detonate when disturbed or approached, and booby-traps attached to or associated with such objects as sick or dead persons, animals, medical facilities, toys, food or drink, historic monuments, places of worship and internationally recognized protective emblems.

Incendiary Weapons: In the pre-Conference work, there was general agreement on the need to prohibit use of such weapons directed against civilians and, in certain circumstances, to ban or restrict their use against military objectives located within a concentration of civilians. The extent of restrictions or prohibitions remains to be agreed upon.

The Conference working group on this topic was unable to agree on the main provisions, and submitted alternative versions of rules to be applied; several delegations offered other proposals. Some countries favour a total prohibition on the use of incendiary weapons, while others would permit certain use against military objectives. The question of restricting use against combatants also remains unresolved.

Small-Calibre Weapons: The Conference called for further research on the wounding effects of small-calibre bullets and projectiles; welcomed the convening of an international scientific symposium on wound ballistics to be held in Gothenburg, Sweden, in late 1980 or 1981; and appealed to all Governments "to exercise the utmost care in the development of small-calibre weapon systems, so as to avoid an unnecessary escalation of the injurious effects of such systems".

Weapons Injuring by Fragments Not Detectable by X-Ray: Unanimous agreement was reached in the pre-Conference discussions that use of such weapons should be prohibited.

Further Work: The Conference recommended that the Assembly convene a second session in Geneva in September 1980 to work out agreements on the outstanding issues.

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